

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHESTER O'QUINN,

Plaintiff,

v.

Case No. 13-cv-1342-JPG-PMF

DONALD GAETZ, THOMAS SPILLER, S.A.
GODINEZ, DR. V. SHAH, A. RECTOR, MR.
BLADES, JODY GOGETTING, JANET
DAUGHERTY, NURSE AMY, NURSE
ABBY and OFFICER OLMSTED,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation ("Report") (Doc. 109) of Magistrate Judge Philip M. Frazier recommending that the Court impose filing restrictions on plaintiff Chester O'Quinn in light of his motion practice history. Under the proposed restrictions, O'Quinn would need written permission from the Court to file motions, and he could seek such permission only in the first ten days of each month by submitting copies of his proposed motions along with a motion for leave to file them. O'Quinn objects to the Report on the grounds that he was given no warning about potential filing restrictions and promises not to file "a bunch of motions" again (Doc. 118).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

In the Report, Magistrate Judge Frazier recounts O'Quinn's extensive unsuccessful and

repetitive motion practice in this and other cases and *sua sponte* recommends filing restrictions.

The Court has some sympathy with O'Quinn, who was provided no express notice of potential filing restrictions before the Report and who has not filed any meritless or frivolous motions since the Report. The Court will refrain from taking the action suggested by Magistrate Judge Frazier at this time. However, the Court agrees that O'Quinn's motion practice has taken an undue amount of Court resources considering the merits of his motions. The Court therefore warns O'Quinn that it may impose the recommended filing restriction without further notice should O'Quinn file another motion in this case that is frivolous or not well supported by law and fact. As Magistrate Judge Frazier recommended, the Court encourages O'Quinn to (1) focus his efforts on the claims and defenses in this case and (2) confine future motions to non-repetitive requests having a factual basis and arguable legal merit.

The Court has reviewed the matter *de novo* and for the foregoing reasons, the Court:

- **ADOPTS** the Report (Doc. 109) as **MODIFIED** by this order; and
- **WARNS** O'Quinn that the Court may impose the recommended filing restriction without further notice should O'Quinn file another motion in this case that is frivolous or not well supported by law and fact.

IT IS SO ORDERED.

DATED: November 18, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE